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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/804,628 | 03/19/2004 | Benjamin Alan Askren | 2003-0665.02 | 7856 |
| 21972 | 7590 | 11/09/2005 | EXAMINER | |
| LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999 | | | JAGAN, MIRELLYS | |
| | | ART UNIT | PAPER NUMBER | 2859 |

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/804,628 | ASKREN ET AL.  | |
| | Examiner | Art Unit | |
| | Mirellys Jagan | 2859 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/17/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication 2003/0068173 to Tanizaki et al [hereinafter Tanizaki].

Referring to claims 1-19, Tanizaki discloses a device comprising:

a main body having an imaging device (1);

a plurality of developer members (6) mounted to the main body;

a subunit (48) connected to and movable relative to the main body;

a plurality of photoconductive members (8) mounted on the subunit; and

a transport belt can be mounted on the subunit to move paper past each of the photoconductive members during image formation;

wherein the subunit is movable between a first orientation (open) in which each of the photoconductive members are spaced remotely from the plurality of development members, and a second orientation (image forming) in which each of the photoconductive members mounted to the subunit is positioned against one of the developer members to receive toner and an electrostatic latent image from the imaging device during image formation, each of the photoconductive members and each of the developer members being aligned relative to the main

unit; the subunit is a ‘door’ pivotably mounted to the main body such that the photoconductive member moves relative to the imaging device when the subunit moves between the first and second orientations; each of the developer members is part of a developer unit also having a toner sump (30) for holding the toner and a doctor blade (32); each of the photoconductive members is part of a photoconductive unit having a charger (36) and a cleaner (37) for removing toner; and each of the developer members is located within the main body by being supported in first, second, and third planes by biasing members (18) (see figures 4, 8, and 9).

Referring to claims 20-22, Tanizaki discloses a method comprising:

- mounting a first unit having a developer member (6) within a main body;
- mounting a second unit having a photoconductive member (8) on a subunit;
- moving the subunit relative to the main body to a first orientation relative to an imaging device (1) with the photoconductive member spaced remotely from the developer member;
- moving the subunit relative to the main body to a second orientation with the photoconductive member remaining mounted to the subunit and receiving toner from the developer member; and
- forming an image with the subunit in the second orientation;
- wherein forces action on the first unit are developed with the subunit in the second orientation; and the second unit is completely mounted after a torque is applied to the photoconductive member.

Referring to claims 23 and 24, Tanizaki discloses a method comprising:

moving a subunit to a first orientation (open) relative to an imaging device (1) and attaching a photoconductive member (8) to the subunit in an exposed position while the subunit is in the first orientation;

attaching a developer member (6) to a main body, the developer member being exposed while the subunit is in a first orientation;

moving the subunit to a second orientation (closed) with the photoconductive member in contact with the developer member to contact the photoconductive member against the developer member; and

forming an image with the subunit in the second orientation by transferring toner from the developer member to the photoconductive member.

Referring to claims 25 and 26, Tanizaki discloses a method comprising:

locating a developer member (6) within a main body relative to an imaging device (1); connecting a photoconductive member (8) on a subunit that is movable between a first orientation that is spaced from the main body and a second orientation that is adjacent to the main body;

moving the subunit from the first orientation to the second orientation and locating the photoconductive member relative to the main body with the developer member and the photoconductive member being in contact;

forming an electrostatic latent image on the photoconductive member with the subunit in the second orientation; and

applying a torque to the photoconductive member and locating the photoconductive member relative to the imaging device.

Response to Arguments

3. Applicant's arguments that the Tanizaki does not teach or suggest a photoconductor member that is positioned on a subunit such that it is on the subunit in both a first (separated) orientation and a second (relative to the developer member) orientation are not persuasive. In figures 8 and 9, Tanizaki discloses a subunit (48) that is movable with respect to the main body of an image-forming device. The subunit is connected to and movable relative to the main body, and has a plurality of photoconductive members (8) mounted thereon. The subunit is pivotably movable (as indicated by the arrow "Z" in figure 9) between a first orientation (open) in which each of the photoconductive members are spaced from the plurality of development members, and a second orientation (image forming) in which each of the photoconductive members mounted to the subunit is positioned against one of the developer members (6) of the main body. Therefore, Applicant's arguments are not persuasive since Tanizaki discloses the claimed subunit and anticipates claims 1-26.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
November 4, 2005



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800